



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Roland Boyd
County Attorney
Collin County
McKinney, Texas

Dear Sir:

Opinion No. 0-2571
Re: Sheriffs - expenses of of-
fice - radio service

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"The city of McKinney has a short wave police radio (KTWP). It is manned by three full time, and one relief, operator, all duly licensed. The radio is operated 24 hours a day and 7 days a week. The station is licensed for the emergency messages.

"Collin County is approximately 30 miles square. The Sheriff's Office has two county owned automobiles radio equipped. There are four deputies who work under the sheriff. Approximately 80 per cent of the messages handled by KTWP are in regard to matters outside of the city of McKinney. When the sheriff's office have a stolen car reported they telephone KTWP and have it broadcast, when a robbery occurs outside of the city limits in the county KTWP broadcasts essential police information concerning it, when the Sheriff holds a felony warrant for a party he is unable to locate KTWP broadcasts a pickup for him all over Texas and adjoining states. When the deputies are not otherwise employed, the Sheriff sends them to patrol Highway 75, 269, 24, or 78; when he needs them KTWP radio their instructions to them.

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"The Sheriff has KTWP broadcast messages in an attempt to locate run-away children, missing persons, and stolen property.

"Question: Can the Sheriff with the approval of the Commissioners Court pay the City of McKinney, or Radio Station KTWP a reasonable amount monthly for this radio service?

"Art. 3899 (b) provides that each officer who receives a salary shall be empowered to purchase and have charged to the county 'All reasonable expenses necessary in the proper and legal conduct of his office,'

"It occurs that the service the Sheriff receives from KTWP is of the same nature as that he receives from the telephone company. In fact by reason of KTWP the Sheriff's telephone bill is materially reduced, and in addition he receives a service that only a radio can give. It seems to me that this is as reasonable and necessary expense as any expense the sheriff has.

"I have read all of your opinions on officer's expenses and find none which answer the question."

Section (b) of Article 3899, Vernon's Annotated Civil Statutes, reads in part as follows:

"(b) Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expenses necessary in the proper and legal conduct of his office, premiums on officials' bonds, premium on fire, burglary, theft, robbery insurance protecting public funds and including the cost of surety bonds for his Deputies, such expenses to be passed on, pre-determined and allowed in kind and amounts, as nearly as possible, by the Commissioners' Court once each month for the ensuing month, upon the application by each officer, stating the kind, probable amount of expenditure and the necessity for the expenses of

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his office for such ensuing month, which application shall, before presentation to said court, first be endorsed by the County Auditor, if any, otherwise the County Treasurer, only as to whether funds are available for payment of such expenses. The Commissioners' Court of the county of the Sheriff's residence may, upon the written and sworn application of the Sheriff stating the necessity therefor purchase equipment for a bureau of criminal identification, such as cameras, finger print cards, inks, chemicals, microscopes, radio and laboratory equipment in keeping with the system in use by the Department of Public Safety of this State, or the United States Department of Justice and/or Bureau of Criminal Identification."

It is our opinion that the above quoted statute is broad enough to cover the contemplated expense, and that the same may be allowed provided the procedure prescribed therein is followed and approved by the commissioners' court. Therefore, your question is answered in the affirmative.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*

Wm. J. Fanning
Assistant

WJF:N

APPROVED JUN 23, 1941

Glenn R. Lewis

Acting

ATTORNEY GENERAL OF TEXAS

